

**DISTRICT COURT OF MARYLAND FOR**

LOCATED AT (COURT ADDRESS)

14735 Main Street, Suite 173B
Upper Marlboro, MD 20772-3042

CASE NO.

CV**PARTIES**

Plaintiff - Name Address, Telephone Number

Astrid Herrera-Guzman
5519 Decatur Street
Bladensburg MD 20710**VS.**

Defendant(s) - Name, Address, Telephone Number

1.
WASHINGTON METRO AREA TRANSIT AUTHORITY
Serve: General Counsel Patricia Y. Lee
300 7th Street, SW
Washington, DC 20024**Serve by:**

- ☒
- Certified Mail
-
- ☐
- Private Process
-
- ☐
- Constable
-
- ☐
- Sheriff

2.

Serve by:

- ☐
- Certified Mail
-
- ☐
- Private Process
-
- ☐
- Constable
-
- ☐
- Sheriff

3.

Serve by:

- ☐
- Certified Mail
-
- ☐
- Private Process
-
- ☐
- Constable
-
- ☐
- Sheriff

4.

Serve by:

- ☐
- Certified Mail
-
- ☐
- Private Process
-
- ☐
- Constable
-
- ☐
- Sheriff

ATTORNEYS

For Plaintiff - Name, Address, Telephone Number & Code

W. Brown Holston, Esquire CPF # 2007160007
The Law Offices of Andrew S. Kasmer, P.C.
10400 Eaton Place, Suite 520
Fairfax, VA 22030
703-385-1701

Prince George's County

**COMPLAINT/APPLICATION AND AFFIDAVIT
IN SUPPORT OF JUDGMENT**☐ \$5,000 or under ☒ over \$5,000Clerk: Please docket this case in an action of ☐ contract ☒ tort ☐ replevin
☐ detinue ☐ bad faith insurance claim ☐ consumer debt (original creditor)

The particulars of this case are:

See attached complaint

(See Continuation Sheet)

☐ I am interested in trying to resolve this dispute through mediation/ADR.
(You will be contacted about ADR services after the defendant is served.)

The plaintiff claims:

Principal: \$ 30000.00

Pre-judgment interest at the ☐ legal rate ☐ contractual rate, calculated at
_____% , from _____ to _____
(_____ days x \$ _____ per day)

Total Principal + pre-judgment interest: \$ _____

Post-judgment interest at the ☐ legal rate ☐ contractual rate until
_____, legal rate thereafter ☐ waived

and attorney's fees of \$ _____ plus court costs.

☐ Return of the property valued at \$ _____ and damages of
\$ _____ for its detention in an action of replevin.☐ Return of the property, or its value, \$ _____ and damages
of \$ _____ for its detention in action of detinue.☒ Other: post-judgment interest & Costs
and demands judgment for relief.

Signature of Plaintiff/Attorney/Attorney Code

2007160007
Attorney Number

Printed Name: W. Brown Holston, Esquire CPF # 2007160007

Address: 10400 Eaton Place, Suite 520
Fairfax, VA 22030

Telephone: 703-385-1701

Fax: 703-385-1120

E-mail: bholston@kasmerlaw.com

MILITARY SERVICE AFFIDAVIT☐ Defendant(s) _____ is/are in the military service.☐ No defendant is in the military service. The facts supporting this statement are: _____

Specific facts must be given for the court to conclude that each defendant who is a natural person is not in the military.

☒ I am unable to determine whether or not any defendant is in military service.

I hereby declare or affirm under the penalties of perjury that the facts and matters set forth in this Affidavit are true and correct to the best of my knowledge, information, and belief.

Date

Signature of Affiant

APPLICATION AND AFFIDAVIT IN SUPPORT OF JUDGMENT (See Plaintiff Notice on Back Page)

The attached documents contain sufficient detail as to liability and damage to notify the defendant clearly of the claim against the defendant, including the amount of any interest claimed.

☐ Properly authenticated copy of any note, security agreement upon which claim is based ☐ Itemized statement of account ☐ Interest worksheet ☐ Vouchers ☐ Check ☐ Other written document ☐ Verified itemized repair bill or estimateI HEREBY CERTIFY: That I am the ☐ plaintiff ☐ _____ of the plaintiff herein and am competent to testify to the matters stated in this complaint, which are made on my personal knowledge; that there is justly due and owing by the defendant to the plaintiff the sum set forth in the complaint.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this document are true.

**NOTICE TO DEFENDANT
Before Trial**

This complaint contains the details of the plaintiff's claim against you and the relief that the plaintiff (the person or company suing you) seeks. The plaintiff has the burden to provide evidence to prove their case at trial. If the plaintiff has completed the affidavit portion of the complaint form, the evidence should be attached to the complaint.

You may hire your own attorney. If you're not able to hire an attorney, you can get legal help from an attorney through a **Maryland Court Help Center**. Court locations are open Monday to Friday from 8:30 a.m. to 4:30 p.m. Help is available by phone at 410-260-1392 or by live chat Monday through Friday from 8:30 a.m. to 8:00 p.m. For Help Center locations, visit: mdcourts.gov/helpcenter.

Court staff, including clerks are not permitted to give you legal advice. If you have any questions, you should consult the Maryland Court Help Center or your own attorney.

If you wish to contest (fight) the claim, you must file the Notice of Intention to Defend (located at the bottom of your summons). The case will be set for trial. If you wish to have your witnesses appear at trial, you should contact the clerk's office at least two (2) weeks before the trial date to request subpoenas, and you should bring to court on the trial date all evidence you want the court to consider. **If you don't bring your evidence to the hearing, the judge can't consider it.**

If you do nothing, a judgment could be entered against you that may result in a lien on your property, garnishment of your wages, and freezing your bank account.

You may request a remote hearing. For more information about remote hearings, visit mdcourts.gov/district/remotehearings or contact the court (mdcourts.gov/district/directories/courtmap). If you do not attend the hearing, a judgment could be entered against you.

If Judgment is Entered Against You (If You Lose)

IF YOU DISAGREE WITH THE COURT'S RULING, you may:

1. Ask the court for a new trial by filing a Motion for a New Trial within **ten (10) days** after the entry of judgment, stating your reasons clearly. If the court denies your motion, you may still file an appeal; if the court grants your motion, you must appear in the District Court for a new trial.
2. Ask the court to change the judgment by filing a Motion to Alter or Amend the Judgment within **ten (10) days** after the entry of judgment.
3. Ask the court to change or undo the judgment by filing a Motion to Revise or Vacate the Judgment within **30 days** after the entry of judgment.
4. **APPEAL** to the circuit court, by filing a Notice of Appeal in the District Court within **30 days** after the entry of judgment. You will have to pay a filing fee (see Guide to Appeal Fees - DCA-109A), unless the court determines that you are indigent. If the amount of the claim, not including court costs, interest, and attorney's fees, was \$5,000 or less, you will have a new trial in the circuit court. If the amount of the claim was more than \$5,000, you will also have to order and pay for a transcript of the District Court trial record by contacting the District Court clerk's office (see Transcripts & Recordings Brochure - DCA-027BR).

IF YOU DECIDE NOT TO APPEAL AND NOT TO FILE ONE OF THE ABOVE MOTIONS, you may contact the plaintiff or plaintiff's attorney to arrange to pay the amount owed. If you do not pay the amount owed, the plaintiff or plaintiff's attorney may initiate further proceedings to enforce the judgment, including:

1. **Judgment Debtor Information Sheet:** You may receive form CC-DC-CV-114 from the plaintiff requesting information about your income and debts. If you complete the form accurately and return it to the creditor as indicated, you will not have to answer interrogatories or appear for an oral examination for at least a year from the date of judgment. **NOTE:** A Judgment Debtor Information Sheet may not be used to enforce a money judgment resulting from a small claims action (amount sued for was \$5,000 or less, exclusive of interest, costs, and attorney's fees).
2. **Interrogatories:** These are written questions. You must answer these written questions about your income and assets in writing under penalties of perjury. **NOTE:** Interrogatories may not be used to enforce a money judgment resulting from a small claims action (amount sued for was \$5,000 or less, exclusive of interest, costs, and attorney's fees).
3. **Oral Examination:** You must appear in court to testify in response to questions about your assets and income. **NOTE:** An oral examination may not be used to enforce a money judgment resulting from a small claims action (amount sued for was \$5,000 or less, exclusive of interest, costs, and attorney's fees).
4. **Writ of Execution:** This document requires the sale or seizure of any of your possessions. Some of your property or possessions may be protected from the writ. These exemptions are explained in detail on the reverse side of the Writ of Execution form DC-CV-040. The court could order you to pay additional expenses such as towing, moving, storage fees, advertising costs, and auctioneer's fees incurred in executing the writ.
5. **Garnishment of Property:** The court may issue a writ freezing your bank account or holding your assets until further court proceedings.
6. **Garnishment of Wages:** The court may issue a writ ordering your employer to withhold a portion of your wages to pay your debt. The law provides certain exemptions from garnishment.

If you have any questions, you should consult an attorney. Court staff are not permitted to give you legal advice. More information can be found in court brochures located in the clerk's office or online at: mdcourts.gov/district/public_brochures or mdcourts.gov/legalhelp/moneyissues

NOTICE TO PLAINTIFF

REQUESTING A JUDGMENT BY AFFIDAVIT OR DEFAULT:

Federal Law requires the filing of a military service affidavit. Information about the Servicemembers Civil Relief Act and the required affidavit can be found on the court's website at: mdcourts.gov/reference/scra.

AFTER THE COURT ENTERS A JUDGMENT:

1. If the court enters a judgment for a sum certain, you have the right to file for a lien on real property.
2. If you disagree with the outcome of the case, you have the same post-trial rights as the defendant does: you may file an Appeal, a Motion for New Trial, a Motion to Alter or Amend the Judgment or a Motion to Revise or Vacate the Judgment. See above for further information concerning these rights.

IN THE DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

ASTRID HERRERA-GUZMAN
5519 Decatur Street
Bladensburg MD 20710

Plaintiff

vs.

Civil No. _____

WASHINGTON METROPOLITAN
AREA TRANSIT AUTHORITY
Serve General Counsel: Patricia Lee, Esq.:
300 7th Street, SW
Washington, DC 20024

Defendants

COMPLAINT

COMES NOW the Plaintiff, ASTRID HERRERA-GUZMAN, by and through counsel, and sues the Defendant, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, and for reasons states as follows:

1. That on or about September 29, 2023, the Plaintiff, ASTRID HERRERA-GUZMAN, was a passenger in a metro bus operated by an unknown person was the driver of a metro bus, individually, and as servant, agent, and/or employee of the Defendant, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, which was parked at the New Carrollton Metro Station in Prince George's County, Maryland.

2. That on or about September 29, 2023, the Defendant, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, owned, operated, managed, or was otherwise responsible for the property located at 4700 Garden City Dr, New Carrollton, MD 20784, known as New Carrollton Metro Station.

3. The metro bus operated by the unknown person, individually, and as servant, agent, and/or employee of the Defendant, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, failed to lower the bus platform causing the claimant to fall as she exit the bus.

4. The unknown person operating the metro bus, individually, and as servant, agent,

and/or employee of the Defendant, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, owed the Plaintiff a duty to operate his vehicle without negligence, and with due regard for the laws of the State of Maryland.

5. At the time and place stated above, the Defendant, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, had duties to keep the premises free from dangerous conditions, to prevent defective and/or dangerous conditions, to remediate any dangerous or defective condition, and/or warn of any known or created dangers.

6. The Defendant, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, and the unknown person operating the metro bus, individually, and as servant, agent, and/or employee of the Defendant, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, did carelessly and negligently maintain and operate the premises in such a way as to fail to lower the bus platform for its passengers, thereby creating a dangerous and/or hazardous condition for the Plaintiff, and others.

7. Notwithstanding said duties, the Defendant, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, recklessly, carelessly, and negligently maintained the premises in such a way as to allow the defective and/or dangerous condition to exist, which resulted in the accident and the Plaintiff's injuries.

8. The unknown person operating the metro bus, individually, and as servant, agent, and/or employee of the Defendant, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, beached the aforesaid duties to the Plaintiff when he failed to pay full time and attention to his driving, failed to keep a proper lookout, and drove the vehicle in a negligent, reckless, and careless manner, all in violation of the motor vehicle rules and regulations of the State of Maryland then and there in full force and effect.

9. As a direct and proximate result of the aforesaid carelessness and negligence of the unknown person operating the metro bus, individually, and as servant, agent, and/or employee of the Defendant, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, the Plaintiff

ASTRID HERRERA-GUZMAN was caused to suffer various painful, serious, and permanent injuries to her mind and body, which necessitated past, present and possible future medical care and attention at great expense, pain, suffering, inconvenience, medical expenses, property damage, wage loss, and other damages.

WHEREFORE, the Plaintiff, ASTRID HERRERA-GUZMAN, demands judgment against the Defendant, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, in the amount of Thirty Thousand Dollars (\$30,000.00), post-judgment interest, and costs.

Respectfully Submitted,

LAW OFFICE OF ANDREW S. KASMER, P.C.

/s/ W. Brown Holston

W. Brown Holston, Esquire
Atty. No. #2007160007
4020 University Drive, Suite 501
Fairfax, VA 22030
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(703) 385-1120 - facsimile
bholston@kasmerlaw.com
Counsel for Plaintiff

IN THE DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

ASTRID HERRERA-GUZMAN
5519 Decatur Street
Bladensburg MD 20710

Plaintiff

vs.

Civil No. _____

WASHINGTON METROPOLITAN
AREA TRANSIT AUTHORITY
Serve General Counsel: Patricia Lee, Esq.:
300 7th Street, SW
Washington, DC 20024

Defendants

MARYLAND RULE 1-313 CERTIFICATION

Undersigned counsel for the Plaintiff, hereby certifies that he is admitted to practice law in the State of Maryland and is in good standing with the Maryland Court of Appeals.

Respectfully Submitted,

LAW OFFICE OF ANDREW S. KASMER, P.C.

/s/ W. Brown Holston

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Counsel for Plaintiff